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INTELLECTUAL PROPERTY / TECHNOLOGY LAW  
PO BOX 14329  
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EXAMINER
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SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,500

Applicant(s)

GRADY, JEFF

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/03, 4/04, 1/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The continuing data on the first paragraph must be updated, since the serial number of the parent is missing.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The use of the trademarks "iPod, firewire, Nomad, and Rio Volt have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

See paragraphs 5,18,38,53,55,60,80,81,87,88,89 and claims 2,16 and 26.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

4. The disclosure is objected to because of the following informalities:

In paragraph 57 "megahertz" should be "megahertz"

Appropriate correction is required.

### ***Information Disclosure Statement***

5. The information disclosure statement filed April 26, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

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Note that only the Derwent Abstracts were included with the IDS, not the actual Korean references. Note also that if the Derwent abstract is intended to be the only English language accompaniment, then under "Translation" it should state "Abstract Only".

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claim1, 3,5-13,24-29 are rejected on the ground of nonstatutory double patenting over claims 1-11,14,15,17,18,19 and 20 respectively of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming

common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, note that the patented claim's MP3 player is a personal digital appliance as in the instant claims.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

8. Claim 2 is rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for the claimed retention means. Official Notice is taken that retention means are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify patented claim 1 to provide retention means in order to ensure that the device did not fall out.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application that matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

9. Claim 4 is rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for a teaching of wherein the coupling means in the docking cavity comprises a USB port. Official Notice is taken that USB ports are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the arrangement of patented claim 1 to use USB coupling in order to allow compatibility with devices equipped with USB connections.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

10. Claims 14,16,17, and 18 are rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for the device being a PDA with various

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functionality. Official Notice is taken that PDA with the various functionalities are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the arrangement of patented claim 1 to work with a PDA in order to allow the user to have access to various functionalities available with a PDA.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

11. Claims 15,23,30,35,36,37,39 are rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

12. Claims 19,20 are rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 in view of Johnson et al (US 2003/0236075) since

the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements except the patented claims lack a frequency indicator and tuning control.

Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band (approximately 85-108 MHz) (*Johnson paragraph 2*). Johnson also teaches a display with displays the frequency of transmission allowing the user to tune the receiver to the correct frequency (*Johnson paragraph 8*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi to make the MP3 FM transmitter variable throughout the FM band with a display as taught by Johnson in order to allow the user to easily find the frequency that experiences the lest interference. Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

13. Claim 21 is rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.



The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for the adapter being generally rectangular in shape. Official Notice is taken that it is well known in the art that MP3 players are generally rectangular in shape. Therefore it would have been obvious to one of ordinary skill in the art to modify the arrangement of patented claim 1 to be generally rectangular in shape in order to match the shape of a common MP3 player.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

14. Claim 22 is rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for a teaching of a headphones jack on the main body portion and coupled to said circuitry. Official Notice is taken that Headphone Jacks are notoriously well known in the art. Therefore it would have been

obvious to one of ordinary skill in the art to modify the patented claim to add headphone jacks in order to allow one user to listen to MP3 without disturbing others.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

15. Claim 31 is rejected on the ground of nonstatutory double patenting over claim 8 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

16. Claim 34 is rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming

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common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for the means for transmitting power including a plug connector for a cigarette lighter socket of a motor vehicle. Official Notice is taken that coupling to car power jacks "cigarette lighter sockets" is well known in the art to portable audio. Therefore it would have been obvious to one of ordinary skill in the art to modify the patented claim to a plug for a vehicle power jack in order to allow the device to be used when driving.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

17. Claim 38 is rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,591,085 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: despite minor grammatical differences, claims are directed to the same essential elements, except for the instant claim not requiring an FM transmitter. It would have been obvious to one of ordinary skill in the art to modify the patented claim to eliminate the need for the FM transmitter in order to reduce the cost of the device while keeping the functionality of being able to charge an MP3 player.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Objections***

18. Claims 10,27,28 and 31 are objected to because of the following informalities:  
"Megaherz" should be "Megahertz". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 32 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32 and 33 recite the limitation "said range". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Yi et al (US 2001/0006336).

Consider claim 38. Yi teaches a docking assembly electrically couple able with an MP3 player (*Yi teaches a cellular phone with built in MP3 player see paragraphs 12, 44,, 48-50*), said assembly comprising:

structure defining a docking cavity for receipt therein of an MP3 player (*see figure 6a, paragraphs 30,44,45,48-54*); and

power/charging circuitry connectable with said MP3 player for transmission of electrical power there through to charge and/or power the MP3 player (*see figure 6a, paragraphs 30,44,45,48-54*).

### ***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claims 1-4,8,9,13-18,21-26,29,30,34-37,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkon Resources "Universal Multimedia Mounts for Pocket PC Handheld Computers "(Consumer Electronics Show 2001 #16444) in view of Jinnouchi (US 2002/0132651).

Consider claim 1. Arkon teaches an adaptor for a personal digital appliance, said adaptor including

an FM transmitter (*see description of FM transmission on ad, lower right side*)  
and power supply assembly electrically couple able with the personal digital appliance (*see power plug shown on lower left side*) ,

the adaptor comprising  
a modular docking unit having a main body portion with a docking cavity therein (*see figures*), wherein the main body portion contains said FM transmitter (*note the lower right hand text describes the FM transmitter as being built-in to the housing*)

to accommodate FM transmission by said FM transmitter of audio content when produced by said personal digital appliance in the docking cavity of the modular docking unit (*see description of FM transmission on ad, lower right side*),

Arkon lacks a teaching of the main body housing containing power/charging circuitry, with coupling means in the docking cavity for connecting the personal digital

appliance with the FM transmitter and power/charging circuitry. It should be noted that these elements are most likely present in the arrangement of Arkon, however there is not clear teaching of them being present.

Jinnouchi teaches a docking housing for a portable terminal in which the housing contains power and charging circuitry and coupling for connecting to the personal terminal (*Jinnouchi see figures 1,2,and paragraphs 25,26*). Note that of course Jinnouchi's arrangement incorporates means to conduct the electrical power (*Note Jinnouchi's wiring as shown in figure 2*). It would have been obvious to one of ordinary skill in the art to modify the Arkon's docking housing to incorporate the power coupling and charging circuitry as taught by Jinnouchi in order to allow the user to utilize the personal appliance while charging its battery.

As to claim 2, note that Arkon teaches means for retaining the personal digital appliance in position in the cavity (*Arkon describes spring loaded holder feet in the text in the lower center of the page*).

As to claim 3, Arkon in view of Jinnouchi as applied to claim 1 lacks a teaching of wherein the coupling means in the docking cavity comprises a fire wire coupling. Official Notice is taken that fire wire coupling is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the arrangement of Arkon in view of Jinnouchi to use fire wire coupling in order to allow compatibility with devices equipped with fire wire connections.

As to claim 4, Arkon in view of Jinnouchi as applied to claim 1 lacks a teaching of wherein the coupling means in the docking cavity comprises a USB port. Official

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Notice is taken that USB ports are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the arrangement of Arkon in view of Jinnouchi to use USB coupling in order to allow compatibility with devices equipped with USB connections.

As to claim 8, Arkon in view of Jinnouchi lack a teaching of wherein the modular docking unit comprises a housing formed of polymeric material. Official Notice is taken the polymeric material is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify Arkon to make the unit out of polymeric material in order to use lightweight and inexpensive material.

As to claim 9, Arkon in view of Jinnouchi as applied to claim 1 lack a teaching of wherein the FM transmitter has a transmission range of up to about 6 feet. Note that in fact Arkon is silent as to the range of the FM transmitter. Official Notice is taken that the greater the range of the FM transmitter the more power it would require. It would have been obvious to one of ordinary skill in the art to modify Arkon as shown in the claim in order to have the transmitter provide an acceptable range while using very little power.

As to claim 13, Arkon in view of Jinnouchi as applied to claim 1 lack a teaching of the adaptor being constructed and arranged to dock with an iPOD™ MP3 player. Official notice is taken that iPod MP3 players are well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify Arkon in view of Jinnouchi to dock with iPod's in order to allow them to be used with these popular devices.



As to claim 14, note that the PC handheld of Arkon in view of Jinnouchi as applied to claim 1 is a personal digital assistant.

As to claim 15, note that the adaptor of Arkon in view of Jinnouchi as applied to claim 1, is constructed and arranged to dock with an MP3 player (*Arkon's PC handheld plays MP3's as noted in the text on the lower right side*).

As to claim 16, the adaptor of Arkon in view of Jinnouchi as applied to claim 1, lacks a teaching of being constructed and arranged to dock with a wireless telephone. Official notice is taken that it is notoriously well known in the art to equip handheld computers with wireless telephone functionality. Therefore it would have been obvious to one of ordinary skill in the art to modify Arkon in view of Jinnouchi to equip the handheld PC with wireless telephone functionality to allow the user to make and receive calls.

As to claim 17, the adaptor of Arkon in view of Jinnouchi as applied to claim 1, lacks a teaching of being constructed and arranged to dock with an integrated personal digital assistant having wireless telephony functionality. Official notice is taken that it is notoriously well known in the art to equip handheld computers with wireless telephone functionality. Therefore it would have been obvious to one of ordinary skill in the art to modify Arkon in view of Jinnouchi to equip the handheld PC with wireless telephone functionality to allow the user to make and receive calls.

As to claim 18, note that the adaptor of Arkon in view of Jinnouchi as applied to claim 1, teaches a PDA with computational and MP3 functions. The adaptor of Arkon in view of Jinnouchi as applied to claim 1, lacks a teaching of being constructed and

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arranged to dock with an integrated personal digital assistant having wireless telephony and network access functionality. Official notice is taken that it is notoriously well known in the art to equip handheld computers with wireless telephone and network access functionality. Therefore it would have been obvious to one of ordinary skill in the art to modify Arkon in view of Jinnouchi to equip the handheld PC with wireless telephone and network access functionality to allow the user to make and receive calls and access their networks.

As to claim 21, note that the adaptor of Arkon in view of Jinnouchi as applied to claim 1, teaches the main body portion has a generally rectangular shape (*Arkon see figures*).

As to claim 22, note that the adaptor of Arkon in view of Jinnouchi as applied to claim 1, lacks a teaching of a headphones jack on the main body portion and coupled to said circuitry. Official Notice is taken the Headphone Jacks are notoriously well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify Arkon in view of Jinnouchi to add headphone jacks in order to allow one user to listen to MP3 without disturbing others.

As to claim 23, note that the adaptor of Arkon in view of Jinnouchi as applied to claim 1, teaches a personal digital appliance docked in the docking cavity of the modular docking unit of said adaptor (*Arkon see figures*).

As to claim 24, note that the system of Arkon in view of Jinnouchi would transmit music to any FM receiver within range.

As to claim 25, note that the adaptor of Arkon in view of Jinnouchi as applied to claim 1, teaches transmission of audio output to a vehicular FM receiver for outputting of sound from vehicular audio speakers (*Arkon see text on lower right side*).

As to claim 26, Arkon in view of Jinnouchi as applied to claim 1 lack a teaching of wherein the FM transmitter has a transmission range of up to about 6 feet. Note that in fact Arkon is silent as to the range of the FM transmitter. Official Notice is taken that the greater the range of the FM transmitter the more power it would require. It would have been obvious to one of ordinary skill in the art to modify Arkon as shown in the claim in order to have the transmitter provide an acceptable range while using very little power.

As to claim 29, note that Arkon in view of Jinnouchi as applied to claim 1 would comprise the claimed adaptor and charger kit.

Consider claim 30. Arkon teaches an FM transmitter assembly electrically coupleable with an MP3 player (*Arkon's PC handheld plays MP3's as noted in the text on the lower right side*), said assembly comprising:

a main body portion containing FM transmitter (*see description of FM transmission on ad, lower right side. Note the lower right hand text describes the FM transmitter as being built-in to the housing*);

Arkon lacks a teaching of the main body housing containing power/charging circuitry, with coupling means in the docking cavity for connecting the MP3 player with the FM transmitter and power/charging circuitry. It should be noted that these elements

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are most likely present in the arrangement of Arkon; however there is not clear teaching of them being present.

Jinnouchi teaches a docking housing for a portable terminal in which the housing contains power and charging circuitry and coupling for connecting to the personal terminal (*Jinnouchi see figures 1,2,and paragraphs 25,26*). Note that of course Jinnouchi's arrangement incorporates means to conduct the electrical power (*Note Jinnouchi's wiring as shown in figure 2*). It would have been obvious to one of ordinary skill in the art to modify the Arkon's docking housing to incorporate the power coupling and charging circuitry as taught by Jinnouchi in order to allow the user to utilize the personal appliance while charging its battery.

As to claim 34, note that Arkon teaches the assembly of claim 30, wherein the means for transmitting electrical power through said power/charging circuitry and said coupling means, comprises a plug connector engage able with a cigarette lighter socket of a motor vehicle (*Arkon see DC power plug, shown on lower left side*).

Consider claim 35. Arkon teaches an FM transmitter assembly electrically couple able with an MP3 player (*Arkon's PC handheld plays MP3's as noted in the text on the lower right side*), said assembly comprising

an FM transmitter and power/charging circuitry (*see description of FM transmission on ad, lower right side. Note the lower right hand text describes the FM transmitter as being built-in to the housing*); and

a docking unit with a docking cavity therein for receiving an MP3 player (see *figures*),

Arkun lacks a teaching of the main body housing containing power/charging circuitry, with coupling means in the docking cavity for connecting the MP3 player with the FM transmitter and power/charging circuitry. It should be noted that these elements are most likely present in the arrangement of Arkon; however there is not clear teaching of them being present.

Jinnouchi teaches a docking housing for a portable terminal in which the housing contains power and charging circuitry and coupling for connecting to the personal terminal (*Jinnouchi see figures 1,2,and paragraphs 25,26*). Note that of course Jinnouchi's arrangement incorporates means to conduct the electrical power (*Note Jinnouchi's wiring as shown in figure 2*). It would have been obvious to one of ordinary skill in the art to modify the Arkon's docking housing to incorporate the power coupling and charging circuitry as taught by Jinnouchi in order to allow the user to utilize the personal appliance while charging its battery.

Consider claim 36. Arkon teaches an FM transmitter assembly electrically coupleable with an MP3 player (*Arkun's PC handheld plays MP3's as noted in the text on the lower right side*) said assembly comprising:

a docking unit with a docking cavity therein for receipt of an MP3 player (see *figures*);

an FM transmitter connectable with said MP3 player for FM transmission of audio content played by said MP3 player (*see description of FM transmission on ad, lower right side. Note the lower right hand text describes the FM transmitter as being built-in to the housing*); and

Arkon lacks a teaching of power/charging circuitry with coupling means in the docking cavity for connecting the MP3 player with the FM transmitter and power/charging circuitry. It should be noted that these elements are most likely present in the arrangement of Arkon; however there is not clear teaching of them being present.

Jinnouchi teaches a docking housing for a portable terminal in which the housing contains power and charging circuitry and coupling for connecting to the personal terminal (*Jinnouchi see figures 1,2,and paragraphs 25,26*). Note that of course Jinnouchi's arrangement incorporates means to conduct the electrical power (*Note Jinnouchi's wiring as shown in figure 2*). It would have been obvious to one of ordinary skill in the art to modify the Arkon's docking housing to incorporate the power coupling and charging circuitry as taught by Jinnouchi in order to allow the user to utilize the personal appliance while charging its battery.

Consider claim 37. Arkon teaches an FM transmitter assembly electrically couple able with an MP3 player (*Arkon's PC handheld plays MP3's as noted in the text on the lower right side*), said assembly comprising:

an FM transmitter connectable with said MP3 player for FM transmission of audio content played by said MP3 player (*see description of FM transmission on ad, lower*

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*right side. Note the lower right hand text describes the FM transmitter as being built-in to the housing); and*

Arkon lacks a teaching of power/charging circuitry with coupling means in the docking cavity for connecting the MP3 player with the FM transmitter and power/charging circuitry. It should be noted that these elements are most likely present in the arrangement of Arkon; however there is not clear teaching of them being present.

Jinnouchi teaches a docking housing for a portable terminal in which the housing contains power and charging circuitry and coupling for connecting to the personal terminal (*Jinnouchi see figures 1,2,and paragraphs 25,26*). Note that of course Jinnouchi's arrangement incorporates means to conduct the electrical power (*Note Jinnouchi's wiring as shown in figure 2*). It would have been obvious to one of ordinary skill in the art to modify the Arkon's docking housing to incorporate the power coupling and charging circuitry as taught by Jinnouchi in order to allow the user to utilize the personal appliance while charging its battery.

Consider claim 39. Arkon teaches an audio transmitter assembly electrically couple able with an MP3 player (*Arkon's PC handheld plays MP3's as noted in the text on the lower right side*), said assembly comprising:

an audio transmitter connectable with said MP3 player for transmitting audio content played by said MP3 player to a separate audio player that is independent of said MP3 player (*see description of FM transmission on ad, lower right side. Note the MP3 content is transmitted to a car stereo*); and

Arkon lacks a teaching of power/charging circuitry with coupling means in the docking cavity for connecting the MP3 player with the FM transmitter and power/charging circuitry. It should be noted that these elements are most likely present in the arrangement of Arkon; however there is not clear teaching of them being present.

Jinnouchi teaches a docking housing for a portable terminal in which the housing contains power and charging circuitry and coupling for connecting to the personal terminal (*Jinnouchi see figures 1,2,and paragraphs 25,26*). Note that of course Jinnouchi's arrangement incorporates means to conduct the electrical power (*Note Jinnouchi's wiring as shown in figure 2*). It would have been obvious to one of ordinary skill in the art to modify the Arkon's docking housing to incorporate the power coupling and charging circuitry as taught by Jinnouchi in order to allow the user to utilize the personal appliance while charging its battery.

26. Claims 10-12,19,20,27,28,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkon in view of Jinnouchi and in view of Johnson et al (US 2003/0236075).

Consider claim 10. Akron in view of Jinnouchi as applied to claim 1 lack a teaching of the FM transmitter producing an output frequency audio signal in a range of from about 85 to about 95 Megahertz.

Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band (approximately 85-108 MHz) (*Johnson paragraph 2*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi



to make the MP3 FM transmitter variable throughout the FM band as taught by Johnson in order to allow the user to find the frequency that experiences the least interference.

Note that the claimed range would be in the range of 85-108 MHz.

As to claim 11, note that Akron in view of Jinnouchi and Johnson as applied to claim 10 teaches wherein the FM transmitter produces a single output frequency signal in said range.

As to claim 12, note that Akron in view of Jinnouchi and in view of Johnson as applied to claim 10 would have an FM transmitter that produces a variable output frequency (*Johnson see paragraph 2*).

Consider claim 19. Akron in view of Jinnouchi as applied to claim 1, lack a teaching of a frequency indicator on the main body portion.

Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band (approximately 85-108 MHz) (*Johnson paragraph 2*). Johnson also teaches a display to display the frequency which is being transmitted in order to allow the user to tune the FM receiver to the correct frequency (*Johnson paragraph 8*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi to equip it with a frequency indicator in order to allow the user to easily tune the receiver to the correct frequency as taught by Johnson.

Consider claim 20. Akron in view of Jinnouchi as applied to claim 1, lack a teaching of a frequency tuning control on the main body portion.

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Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band using a tuning control (*Johnson paragraph 2*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi to make the MP3 FM transmitter variable throughout the FM band as taught by Johnson in order to allow the user to find the frequency that experiences the least interference.

Consider claim 27. Akron in view of Jinnouchi as applied to claim 23, lack a teaching of wherein the FM transmitter produces an output frequency audio signal in a range of from about 85 to about 95 Megahertz.

Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band (approximately 85-108 MHz) (*Johnson paragraph 2*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi to make the MP3 FM transmitter variable throughout the FM band as taught by Johnson in order to allow the user to find the frequency that experiences the least interference. Note that the claimed range would be in the range of 85-108 MHz.

Consider claim 28. Akron in view of Jinnouchi as applied to claim 23, lack a teaching of wherein the FM transmitter produces an output variable frequency audio signal in a range of from about 85 to about 95 Megahertz.

Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band (approximately 85-108 MHz) (*Johnson paragraph 2*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi

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to make the MP3 FM transmitter variable throughout the FM band as taught by Johnson in order to allow the user to find the frequency that experiences the least interference.

Note that the claimed range would be in the range of 85-108 MHz.

Consider claim 31. Akron in view of Jinnouchi as applied to claim 30, lack a teaching of wherein the FM transmitter produces an output frequency audio signal in a range of from about 85 to about 95 Megahertz.

Johnson teaches an FM transmitter for an MP3 player which is variable across the FM broadcast band (approximately 85-108 MHz) (*Johnson paragraph 2*). It would have been obvious to one of ordinary skill in the art to modify Akron in view of Jinnouchi to make the MP3 FM transmitter variable throughout the FM band as taught by Johnson in order to allow the user to find the frequency that experiences the least interference.

Note that the claimed range would be in the range of 85-108 MHz.

27. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkon in view of Jinnouchi and in view of Hsu (US 6,798,173).

Consider claim 5. Arkon in view of Jinnouchi as applied to claim 1 lacks a teaching of the charging unit comprising at least one indicator light indicative of the operational state of the unit.

Hsu teaches a charger for an MP3 player (*Hsu column 1, lines 20-30*) that includes indicator lights indicating the on or off status and charge status of the battery (*Hsu fig 2, column 3, lines 10-50*). It would have been obvious to one of ordinary skill in

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the art to modify Akron in view of Jinnouchi to include the status indicators as taught by Hsu in order to allow the users to easily ascertain if the unit was on and the available charge.

As to claim 6, Arkon in view of Jinnouchi and in view of Hsu as applied to claim 5, teach wherein the indicator light indicates the "ON" or "OFF" state of the unit (*Hsu fig 2, column 3, lines 10-50*).

As to claim 7, Arkon in view of Jinnouchi and in view of Hsu as applied to claim 5, teach wherein the indicator light indicates the charging status of a battery in a personal digital appliance docked in the cavity of the modular docking unit (*Hsu fig 2, column 3, lines 10-50*).

### **Conclusion**

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

29. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX

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number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Matthew D. Anderson

Supervisory Patent Examiner